

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SUITS – Land Acquisition –PJP – GADWAL -Mahabubnagar District – Uppair (Village)-Dharoor (Mandal) – O.P.No.45/2005 - Sanction of decretal charges of **Rs.1,57,81,879/-** Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO.469

DATE:06.05.2008

Read:

From the Spl.CS to Govt & CCLA, AP, Hyd.Lr. No.SRP4/396/2008,
Dt:17.04.08 alongwith the letter of Spl.Collector, SSP, Kurnool.

ORDER:

The Special Chief Secretary to Government and Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has informed that the Special Collector, SSP, Kurnool has submitted the proposals for sanction of final payment of decretal charges in respect of O.P.No.45/2003 pertaining to Uppair (V) Dharoor (M) of Mahabubnagar District. The then SDC, LA, PJP, Gadwal has acquired the dry lands in Sy.No.8/2 etc, for an extent of Ac.83.30 gts of Uppair (V) by fixing the market value @ Rs.33,000/-, Rs.38,000/- & Rs.43,000/- per acre through Award No.18/2005, dt:28.02.2005. The awardees have filed petitions u/s 18 (1) of the L.A.Act for adjudication. The Lower Court, the Senior Civil Judge, Gadwal had delivered judgments enhancing the market value from Rs.33,000/-, Rs.38,000/-, Rs.48,000/- per acre to Rs.87/- per Sq.Mt or Rs.3,52,077/- per acre. The SDC, Gadwal had filed appeal in the Hon'ble High Court of A.P, Hyd against the orders of the Lower Court. The Hon'ble H.C of A.P has granted interim stay orders on condition to pay 50% of the compensation. Accordingly, an amount of Rs.94,57,990/- was deposited in the Sr.Civil Judge Court, Gadwal on 26.02.07. The Hon'ble H.C of A.P has dismissed the appeal filed by the SDC, LA, PJP, Gadwal by confirming the Judgment of Lower Court with modification of interest from the date of issue of 4(1) Notification in A.S.No.714/06, dt:18.12.2006. The Spl.Officer, Advocate-on-Records, Supreme Court of India, New Delhi has informed that the SLP was filed against the judgment of Hon'ble High Court in A.S.No.714 of 2006 dismissed on 15.02.2008 vide CC No.2040/2008 that delay condoned-heard-no merit the SLP is dismissed. Further, the claimants have filed W.P before the High Court to deposit the final decretal charges to the credit of E.P.Nos 314 of 2005, in the above OP and the Court has disposed the case on 20.12.07 in terms ofm order in WP No.18841/07 & batch 12.11.2007.

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.1,57,81,879/- (Rupees One crore fifty seven lakhs eighty one thousand eight hundred and seventy nine only)** in respect of O.P.No.45/2005 pertaining to Uppair (V) Dharoor (M) of Mahabubnagar District subject to verification whether the reference under section 18 (1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Govt/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions

(PTO)

issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

3) The Special Collector, SSP, Kurnool is directed to follow the directions issued by the Hon'ble High Court on 30.04.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in OP No.45/2005 for avoiding intervention of the middlemen.

4) The expenditure sanctioned in para (2) above shall be debitible to following Head of Account under "4701-SMJH -01-Major Irrigation -M.H.122 Jurala Project G.H.11 - NSP- SH (26) - Dams and Appurtenant works - 530 Major Works - 532 Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.2315/F2(2)/2008-1, dated 20.05.2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To
The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.
The Special Collector, LA, SSP, Kurnool
The Engineer-in-Chief, I&CAD, Erramanzil, Hyderabad.
The SDC, LA, PJP, Gadwal, Mahabubnagar.
The Director of Works Accounts, Hyderabad.
Copy to: P.S. to Minister (M& MI).
Finance (W&P) Department/File C.No.12742/LA-III(A2)/2008.
SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER